

REMARKS

I. Status of the Claims

Claims 1-64 are pending in this application. Claims 1, 15, 36, 43, 46, 49, and 56 are amended herein to delete the reference to formula (F2) from claims 15 and 56 and to add to the independent claims a proviso excluding formula (F2). Full support for these amendments can be found in the originally-filed specification and claims, for example, at the last 2 lines of page 12 of the originally-filed specification, and in original claims 15 and 56. Claim 4 is also amended herein to make its language consistent with the other dependent claims. No new matter has been added by these amendments.

II. Claim Rejection Under 102(b) or in the Alternative Under 103(a)

The Examiner has rejected claims 1, 4, 7-15, 18-20, 26, 27, 29, 30, 32-36, 39-43, 46, 49, and 52-64 as being allegedly anticipated under 35 U.S.C. § 102(b) by, or in the alternative as being allegedly obvious under 35 U.S.C. § 103(a) over U.S. Pat. App. Pub. 2001/0054206 to Matsunaga ("Matsunaga"). Office Action, pp. 2-4.

For a claim to be anticipated or obvious, the prior art reference must teach each and every limitation in the claim. M.P.E.P. §§ 2131, 2143. Because Matsunaga does not teach every element of Applicants' claimed invention, as now amended, Matsunaga does not anticipate nor render obvious Applicants' claimed invention.

Specifically, the Examiner states that Matsunaga's formula (2) is identical to Applicants' formula (F2), and thus meets the limitation of at least one fluorescent dye in the claims. Because Applicants have amended the present claims to exclude formula (F2), Matsunaga no longer teaches or suggests Applicants' claimed fluorescent dye.

Thus, in the absence of a sustainable *prima facie* case of anticipation or obviousness, Applicants respectfully request that this rejection be withdrawn.

III. Claim Rejections Under 103(a)

A. Matsunaga

The Examiner has rejected claims 28 and 31 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Matsunaga for the reasons set forth on pages 4-5 of the outstanding Office action.

For the reasons described above in section II., Applicants respectfully submit that the Examiner has not established a *prima facie* case of obviousness of the independent claims, as amended, over Matsunaga. Specifically, Matsunaga does not teach Applicants' presently claimed limitation of the at least one fluorescent dye.

Accordingly, Applicants respectfully request that this rejection be withdrawn.

B. Matsunaga in view of Lang

The Examiner has rejected claims 2, 3, 5, 6, 37, 38, 44, 45, 47, 48, 50, and 51 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Matsunaga in view of WO 99/36045 to Lang et al. where the English translation U.S. Pat. No. 6,576,024 ("Lang") is used in the rejection. Office action, pp. 5-6.

For the reasons described above in section II., Applicants respectfully submit that the Examiner has not established a *prima facie* case of obviousness of the independent claims, as amended, over Matsunaga. Specifically, Matsunaga does not teach

Applicants' claimed limitation of at least one fluorescent dye, and the Examiner has provided no evidence that Lang cures this deficiency.

Accordingly, Applicants respectfully request that this rejection be withdrawn.

C. Matsunaga in view of Vandebossche

The Examiner has rejected claims 21-24 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Matsunaga in view of U.S. Pat. No. 6,391,062 to Vandebossche et al. ("Vandebossche") for the reasons set forth on pages 6-7 of the outstanding Office action.

For the reasons described above in section II., Applicants respectfully submit that the Examiner has not established a *prima facie* case of obviousness of the independent claims, as amended, over Matsunaga. Specifically, Matsunaga does not teach Applicants' claimed limitation of at least one fluorescent dye, and the Examiner has provided no evidence that Vandebossche cures this deficiency.

Accordingly, Applicants respectfully request that this rejection be withdrawn.

D. Matsunaga in view of Giuseppe

The Examiner has rejected claim 25 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Matsunaga in view of U.S. Pat. No. 5,744,127 to Giuseppe et al. ("Giuseppe") for the reasons set forth on pages 7-8 of the outstanding Office action.

For the reasons described above in section II., Applicants respectfully submit that the Examiner has not established a *prima facie* case of obviousness of the independent claims, as amended, over Matsunaga. Specifically, Matsunaga does not teach

Applicants' claimed limitation of at least one fluorescent dye, and the Examiner has provided no evidence that Giuseppe cures this deficiency.

Accordingly, Applicants respectfully request that this rejection be withdrawn.

IV. Allowable Subject Matter and Claim Objections

The Examiner indicates that claims 16 and 17 contain allowable subject matter and would be allowable if rewritten in independent form including all limitations of the base and intervening claims, specifically stating that the prior art does not teach or disclose claimed formula (F3). Office action, p. 8.

Applicants appreciate the Examiner's indication of allowable subject matter, but presently will continue to argue the patentability of the rest of the claims, as amended.

V. Conclusion

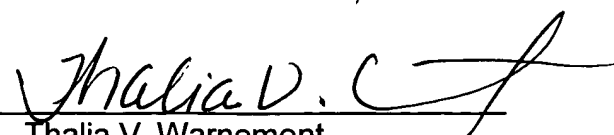
In view of the foregoing amendments and remarks, Applicants respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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By: 
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